

REMARKS / ARGUMENTS

This is a Response to the Office Action mailed December 19, 2005, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 19, 2006. Claims 1-35 will be pending upon entry of the present amendment. Claims 12 and 13 are currently amended. New claims 31-35 have been added. No new matter has been added with this amendment. Enclosed is a check to cover the fees of the additional claims. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicant thanks the Examiner for indicating the allowability of claims 1-10 and 20-30, and the allowability of the subject matter of claims 14-19.

Objections

The Examiner has provisionally objected to claims 12 and 13 as substantially duplicating claim 11. Claims 12 and 13 have been amended to clarify the applicant's intent with respect to the scope of claim 11. Claim 11 does not positively recite a pump casing or bearing, but rather recites the limitations of the yoke and trunnion as they relate to a pump casing and bearing. Thus, claim 11 does not provide an antecedent basis for the pump casing recited in claim 12 or the bearing recited in claim 13. The amendment to claims 12 and 13 corrects this drafting error without changing the actual scope of any of claims 11-13. It is now clear that claims 12 and 13 each further limit the scope of claim 11 as required under 35 U.S.C. § 112, fourth paragraph, and is in compliance with the requirements of 37 C.F.R. § 1.75.

Rejections Under 35 U.S.C. § 103

Claims 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ebert (U.S. Patent No. 2,931,250) in view of Molly (U.S. Patent No. 4,035,650).

Claim 11 recites, *inter alia*, “a trunnion coupled to the yoke and ... configured to receive a bearing between the trunnion and a wall of the aperture in a position defined by two parallel planes transverse to an axis of the trunnion; and a fluid channel passing within the yoke to the trunnion and exiting the trunnion via an aperture positioned between the two planes.” A combination of Ebert with Molly fails to teach or suggest at least these limitations of claim 11.

The recited fluid channel of claim 11 extends from the yoke to the trunnion, and from there, exits the trunnion via the aperture positioned between the two planes. Thus, the recited aperture positioned between the two planes does not conduct fluid between the yoke and the trunnion, but rather between the trunnion and some other structure.

An embodiment on which claim 11 reads (without being limited thereto) is described with reference to Figure 5A. It may be seen, for example, that the trunnion 156 is configured to receive the bearing 196 between the trunnion 156 and the adjacent wall of the casing 192. It will be recognized that the axis of the trunnion lies in the plane of Figure 5A, horizontal with respect to the orientation of the figure. The right and left sides of the bearing 196, as viewed in the figure, provide the location of the two planes, lying transverse to the axis and thus perpendicular to the plane of the figure and vertical with respect to the orientation of the figure. It may be seen that the trunnion port 174, on which the aperture of claim 11 reads, is in fluid communication with fluid port 182 of the pump/motor casing 192. In the case of Molly, the arrangement is reversed. Though Molly's fluid channel is not indicated by reference number, it is shown in hidden lines, and can be seen in the leg of the yoke as it passes from the yoke to the pin (33) on which the yoke rotates. The fluid channel does not exit the pin between the planes defined by the bearing 34, but rather exits along the axis of the pin. Accordingly, Molly fails to teach or suggest that limitation of claim 11. Ebert is silent with respect to bearings and thus cannot remedy the deficiency of Molly. Claim 11 is therefore allowable over Molly and Ebert, either individually or in combination. Claims 12-19 are also, therefore, allowable as depending from an allowable base claim.

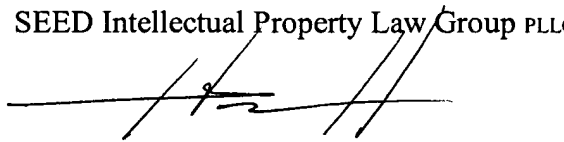
The scopes of new claims 31-35 vary from those of other claims in the specification. However, independent claim 31, in particular, includes a combination of elements that applicant understands to be allowable, based on the position taken by the Examiner in the recent Office Action. These claims do not constitute new subject matter.

Conclusion

If issues remain, the Examiner is invited to contact the undersigned by telephone at (206) 694-4848 to discuss the application.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Harold H. Bennett II
Registration No. 52,404

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

C:\NrPorth\iManage\HALB\743723_1.DOC